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MAY - 5 2008

May 5, 2008

Magistrate Judge Michael J. Dolinger
United States District Judge
United States District Courthouse
500 Pearl Street
New York, New York 10007

Re: Carter Securities, LLC v. Marketing Worldwide Corporation
07 CV 10671 (BSJ)

Dear Magistrate Judge Dolinger:

We have just received Robert Kaplan's declaration in opposition to Plaintiff's motion to compel Defendant to produce documents.

Last Wednesday, after I received Mr. Kaplan's letter to Your Honor claiming he did not receive my email asking when he would produce Defendant's documents, I sent another email (copy enclosed) asking whether the documents were now available for production. I received no response. In his declaration to the Court, Mr. Kaplan does not state that the documents are available for production and/or inspection. Nor does he give the Court a date by which the documents will be produced. Presumably the documents are not ready to be produced.

Without a Court Order compelling Defendant to produce documents by a date certain, I submit that we will be engaged in an ongoing discovery dispute regarding those documents, which will make it impossible to comply with the Court's discovery deadline.

For Your Honor's information, in addition to claiming that he did not receive my email of March 31, 2008 inquiring about when Defendant would produce documents, Mr. Kaplan now claims that he did not receive until May 2, 2008 the deposition notices which I sent to him on April 8, 2008 (copy of Mr. Kaplan's letter enclosed). Thus there will be further delay in scheduling depositions.

ENDORSED ORDER

Defendant is to make available to plaintiff's counsel all requested documents by no later than May 7, 2008. As for depositions, if there are any not finally scheduled (or re-scheduled) by May 9, 2008, the parties are to notify the court and we will set dates. *McFusub 5/5/08*

Wherefore I respectfully request that the Court compel Defendant to produce the documents by a date certain.

Respectfully,

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a cursive 'A' and 'Zitter'.

Kenneth A. Zitter

KAZ/nr

Enc.

cc: Robert M. Kaplan, Esq.

by fax